



# SEX OFFENDER MANAGEMENT

South Carolina Department of  
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## INTRODUCTION

The South Carolina Department of Probation, Parole and Pardon Services is charged with the responsibility of supervising all adult criminal offenders sentenced to probation by the Court of General Sessions. In addition, the Department is responsible for providing supervision to those offenders who have been released to the community by the Parole Board or through other release mechanisms. With these responsibilities, the formal mission of the Department is to:

**Prepare** offenders under our supervision toward becoming productive members of the community;

**Provide** assistance to the victims of crimes, the Courts and the Parole Board; and

**Protect** public trust and safety.

In order to fulfill our mission with the sex offender population, in January 2006 we began using a nationally recognized supervision strategy. This strategy, called the "Containment Approach" consists of three elements. First, it employs the use of external control, that is, the criminal justice system provides external control through close contact with the sex offender's treatment provider. The second element of the Containment Approach is to facilitate internal control through treatment. The offender is taught to achieve personal control of his or her inappropriate sexual impulses, feelings, and behaviors through offense specific treatment which uses a variety of psycho-educational and behavioral modification techniques. This must be achieved by a skilled treatment provider. The third element of this approach is the use of polygraph examinations. This allows for confirmation of what the offender self-reports to the treatment provider. The primary use of the polygraph is to obtain a full disclosure of the offender's sexual history. It may be used periodically by the treatment provider for verification of behavior. In addition to the above supervision strategy, the Department established a higher supervision level and is using a sex offender-specific risk assessment to determine the level of supervision for each offender.

In June 2006, Jessie's law was passed. Named after Jessica Marie Lunsford – who was murdered last year in Florida by a registered sex offender – the law mandates Global Positioning Satellite (GPS) monitoring for sex offenders convicted of certain offenses and provides our Department with jurisdiction of all offenders placed on GPS.

It is our goal to keep the citizens of South Carolina safe through holding sex offenders accountable and addressing the many needs of this population. We are committed to maintaining a sound and structured sex offender management program that will positively impact public safety and provide the offender with every opportunity to succeed. Our clear and consistent policies include comprehensive monitoring of this offender population, with efforts placed on reducing recidivism. Reinforcement from our judicial and local law enforcement partners will strengthen and heighten our effort to uphold community safety.



## JESSIE'S LAW

### Sex Offender Accountability and Protection of Minors Act of 2006

#### **OFFENSES** - §23-3-540 (G)

**(1) convicted of, pled guilty or nolo contendere to, or been adjudicated delinquent for any of the following offenses:**

- (a) criminal sexual conduct with, a minor in the first degree (§16-3-655(A));
- (b) criminal sexual conduct with, a minor in the second degree (§16-3-655(B)). If evidence is presented at the criminal proceeding and the court makes a specific finding on the record that the conviction obtained for this offense resulted from illicit consensual sexual conduct, as contained in §16-3-655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, then the convicted person is not required to be electronically monitored pursuant to the provisions of this section;
- (c) engaging a child for sexual performance (§16-3-810);
- (d) producing, directing, or promoting sexual performance by a child (§16-3-820);
- (e) criminal sexual conduct: assaults with intent to commit (§16-3-656) involving a minor;
- (f) committing or attempting lewd act upon child under sixteen (§16-15-140);
- (g) violations of Article 3, Chapter 15 of Title 16 involving a minor;
- (h) kidnapping (§16-3-910) of a person under eighteen years of age except when the offense is committed by a parent; or

**(2) ordered as a condition of sentencing to be included in the sex offender registry pursuant to §23-3-430(D) for an offense involving a minor, except that the provisions of this item may not be construed to apply to a person eighteen years of age or less who engages in illicit but consensual sexual conduct with another person who is at least fourteen years of age as provided in §16-3-655(B)(2).**



## JESSIE'S LAW

### **PLACEMENT ON GPS**

**Upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere:**

CSC with a minor, 1<sup>st</sup> degree and lewd act upon child are mandatory GPS.  
§23-3-540(A)

All other offenses listed in §23-3-540(G) are at the discretion of the court.  
§23-3-540(B)

**Violation of a term of probation, parole, community supervision, or a community supervision program:**

CSC with a minor, 1<sup>st</sup> degree and lewd act upon child are mandatory GPS.  
§23-3-540(C)

All other offenses listed in §23-3-540(G) are at the discretion of the court and agency with jurisdiction. §23-3-540(D)

**Violation of provision of sex offender registry article:**

CSC with a minor, 1<sup>st</sup> degree and lewd act upon child are mandatory GPS.  
§23-3-540(E)

All other offenses listed in §23-3-540(G) are at the discretion of the court.  
§23-3-540(F)

### **DURATION OF GPS** §23-3-540(H)

For as long as the offender is required to register as a sex offender.

For offenses other than CSC with a minor, 1<sup>st</sup> degree and lewd act upon child  
- After 10 years, an offender may petition the court to be released from GPS.  
If denied, the offender may refile a new petition every 5 years.

### **PPP JURISDICTION** §23-3-540(H) & (J)

"The person shall abide by other terms and condition set forth by the Department of Probation, Parole and Pardon Services with regard to the active electronic monitoring device and electronic monitoring program."



## PENALTIES

**§23-3-540(I)** The person shall follow instructions provided by the Department of Probation, Parole and Pardon Services to maintain the active electronic monitoring device in working order. Incidental damage or defacement of the active electronic monitoring device must be reported to the Department of Probation, Parole and Pardon Services within two hours. A person who fails to comply with the reporting requirement of this subsection is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years.

**§23-3-540(L)** A person who intentionally removes, tampers with, defaces, alters, damages, or destroys an active electronic monitoring device is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years.

**§23-3-540(M)** A person who completes his term of incarceration and the maximum term of probation, parole, or community supervision and who wilfully violates a term or condition of electronic monitoring, as ordered by the court or determined by the Department of Probation, Parole and Pardon Services is guilty of a felony and, upon conviction, must be sentenced in accordance with the provisions of Section 23-3-545.

### **§23-3-545**

(A) If a person is convicted of wilfully violating a term or condition of active electronic monitoring pursuant to section 23-3-540(M), the court may impose other terms and conditions considered appropriate and may continue the person on active electronic monitoring, or the court may revoke the active electronic monitoring and impose a sentence of up to ten years for the violation.....A person who is incarcerated for a revocation pursuant to the provisions of this subsection is not eligible for parole.

(B) If a person's electronic monitoring is revoked by the court and the court imposes a period of incarceration for the revocation, the person must be placed back on active electronic monitoring when the person is released from incarceration.

(C) A person may be sentenced for successive revocations, with each revocation subject to a ten-year sentence. The maximum aggregate amount of time the person may be required to serve when sentenced for successive revocations may not exceed the period of time the person is required to remain on the sex offender registry.





## STANDARD SEX OFFENDER CONDITIONS OF SUPERVISION

1. I will register as a sex offender as required by the Code of Laws of South Carolina and as described in the Department's *Notice of Sex Offender Registry*.
2. I will attend, actively participate in, not give cause to be terminated from, and successfully complete any counseling/treatment program, to which I am referred by my agent, which may include polygraph or other treatment related testing, all at my own expense. I waive all rights to confidentiality between myself and my treatment provider, and authorize my treatment provider to disclose to my agent, the Court, the Parole Board, the releasing authority, and/or the hearing officer, information about my attendance and participation in the program. (Must complete Referral Form 1054).
3. I will not have any contact with the victim(s) of my crime, directly or indirectly. This includes but is not limited to physical or face to face contact, contact through letters or written notes, telephone calls, or electronic mail (e-mail), or any contact through a third party, unless such contact is approved in writing by the Court, the Parole Board, or the releasing authority, or the hearing officer. I also will not enter into, travel past, or loiter near a victim's residence or workplace.
4. I will not have any contact with a person under the age of 18, with the exception of my immediate family members and then may only have such contact if approved in advance under conditions set by my treatment provider and my agent. If I have incidental contact with any child, I will be civil and courteous and immediately remove myself from the situation. I will discuss the contact at my next treatment session and will immediately report this contact to my agent.
5. I will not enter into, loiter or work within one thousand (1,000) feet of any area or event frequented by people under the age of 18 including but not limited to: schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or and festivals, unless approved in advance by my agent.
6. I will not purchase, possess, or use any sexually stimulating or sexually explicit material or device, nor enter into, loiter or work within one thousand (1,000) feet of any place where such material or device is sold or presented as entertainment. This includes but is not limited to adult book stores, sexually explicit internet sites, television services, or telephone services, sex shops, topless bars, strip clubs, and massage parlors. I will not possess or



## STANDARD SEX OFFENDER CONDITIONS OF SUPERVISION

use a computer or any other electronic device which is enabled with internet access for any reason unless approved in advance under conditions set by my treatment provider and my agent. I understand this means that without prior approval, there may not be a computer of any type in my residence, and that I may not access any computer. If approved to use a computer I must sign the Computer Use Agreement for Sex Offenders (Form 1402). If my employer requires me to use a computer, I will provide a written statement from my employer stating the need for such use.

7. I will permit my agent or a representative of the Department, without a warrant and with or without the assistance of any other law enforcement officer, to search my person, residence, any vehicle I own or have permission to use, and any of my possessions, for the presence of sexually stimulating or sexually explicit materials or devices prohibited by these conditions, and to seize said materials. Such materials seized shall be considered property of the court, Parole Board, or releasing authority, and shall be safely kept by the Department or other law enforcement agency until any violations concerning the seized materials have been addressed.

8. I will abide by all curfews as directed by my agent.

9. I will at all times maintain a suitable residence, approved by my agent, which complies with all conditions of my supervision, which may not be within one thousand (1000) feet of any area frequented by people under the age of 18, including but not limited to schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, or theaters. I will obtain approval from my agent of my residence and employment and shall obtain prior approval from my agent before changing my residence or employment. I will stay at my approved residence every night and will not sleep or stay overnight anywhere else without prior approval of my agent.

10. I will not consume alcoholic beverages and will submit to alcohol testing as instructed by my agent or treatment provider. I agree that any test results may be used as evidence in any hearing for the violation of the conditions of my supervision and I waive any right to challenge the validity of such results.

11. I will comply with the Department's requirements for any electronic monitoring program which I am ordered to participate in by the Court, the Parole Board, the releasing authority, the hearing officer, or my agent, or as required by statute, all at my own expense.





# SEX OFFENDER MANAGEMENT STRATEGIES

These protocols only apply to those offenders on active supervision convicted of offenses which require sex offender registration. The following supervision protocols will be automatically ordered by the agent at the beginning of supervision.

## **SUPERVISION:**

The offender will be interviewed by Department personnel after sentencing. The agent will explain the Standard Sex Offender Conditions of Supervision to the sex offender, answer any questions, have the offender sign and date the conditions, and provide the offender with a copy.

The agent will make an initial home visit within two weeks of receiving a new sex offender case.

The agent will then administer the Static 99 Risk Assessment within two weeks after receiving the case. The offender will be supervised at the Sex Offender Intensive (S.O. Intensive) level of supervision until the Static 99 is completed and the supervision level in the guidelines below can be applied.

**If the sex offender's score on the Static 99 is six or higher (6 +),** the offender will be supervised under the Containment level of supervision. These offenders will be supervised at the Containment level for a least one year and can be reduced to the S.O. Intensive level only with the approval of a supervisor. If reduced to the S.O. Intensive level of supervision, these offenders will remain there for one year and can be reduced to the S.O. High level only with the approval of a supervisor. The offender will also be required to pay Intensive supervision fees.

The Static 99 suggests that these sex offenders pose the greatest risk to the community; therefore, the Department subjects them to the most scrutiny. The offenders on the Containment level will be required to report monthly and the agent will complete three home visits, one employment verification and one treatment provider contact per month.

**If the sex offender's score on the Static 99 is two to five (2-5),** the offender will be supervised under the S. O. Intensive level of supervision. These offenders will be supervised at this level for at least one year and can



## SEX OFFENDER MANAGEMENT STRATEGIES

be reduced to the S.O. High level only with the approval of a supervisor. This entails the offender reporting monthly and the agent completing two home visits, one employment verification and one treatment provider contact per month. The offender will also be required to pay Intensive supervision fees.

**If the sex offender's score on the Static 99 is zero to one (0-1),** the offender will be supervised under the Sex Offender High (S.O. High) level of supervision. These offenders will be supervised no lower than the S.O. High level for the duration of supervision. This entails the offender reporting monthly and the agent completing one home visit, one employment verification and one treatment provider contact per month.

### TREATMENT:

All registered sex offenders will be required to attend and complete treatment as directed by the agent. The length of the treatment will be determined by the provider and the progress of the offender.

As a tool with treatment, polygraph examinations will be completed for those current sex offenders or new admissions who score 4 or higher on the Static 99. These examinations will provide a "full sexual history disclosure" and will assist with the treatment program. Subsequent polygraph examinations could be requested by the supervising agent or the treatment provider as to ensure compliance with treatment and/or to test the truthfulness of the offender during treatment.

### VIOLATIONS:

Any violation committed by a sex offender, except a purely financial violation, will be addressed as a community safety violation and will require a mandatory staffing with a supervisor. Sex offenders that abscond supervision will be subject to an enhanced Sex Offender Fugitive Investigation process. This includes placing the offender in the National Crime Information Center (NCIC). The case information will also be forwarded to the Regional Organized Crime Information Center (ROCIC) where the information will be accessed against an assortment of national data bases to possibly obtain the whereabouts of the absconded offender. Once this has been completed, the case will be assigned to a central office agent for further investigation.



# **SOUTH CAROLINA PROFILE OF SEX OFFENDERS AND THEIR VICTIMS**

## **SEX OFFENDERS**

- 8,540 on the SC Sex Offender Registry
- 999 active sex offenders under PPP supervision
- 977 males; 22 females
- 342 black; 646 white; 11 other
- Average age = 37
- Average Grade Completed = 11<sup>th</sup>

## **VICTIMS OF SEXUAL ABUSE**

- Most are known or related to their attackers
- Most are children
- 2/3 of offenders convicted of sexual abuse nationwide offended against children and 72% of registered sex offenders in SC offended against children
- 90% of children under 12 who are sexually assaulted know their attackers
- 66% of adult victims know their attackers



## Jessica's Law Offenses

Offcode	Statute	Offense Description	Class	Level	Violent
159	16-03-0655	Criminal sexual conduct with minors (DNA if after 6/30/95) <b>(no longer used)</b> (see 385, 396, 397)	UNC		N
3022	16-03-0655 (A) (2)	CSC w/ minor - victim under 16 and offender w/ previous record under 23-03-0430 (c) or (d)	FEL	A	Y
385	16-03-0655(1)	Criminal sexual conduct with minor - victim under 14 yrs of age - First degree	FEL	A	Y
396	16-03-0655(2)	CSC w/ minor - victim 14 to 14 yrs of age inclusive - 2nd deg. (SR unless ordered not by judge)	FEL	C	Y
397	16-03-0655(3)	CSC w/ minor - victim under 16 - 2nd degree (SR unless ordered not by judge)	FEL	C	Y
253	16-03-0656, 0652(2)	Assault with intent to commit criminal sexual conduct - First degree	FEL	A	Y
254	16-03-0656, 0653(2)	Assault with intent to commit criminal sexual conduct - Second degree	FEL	C	Y
255	16-03-0656, 0654(2)	Assault with intent to commit criminal sexual conduct - Third degree	FEL	E	N
399	16-03-0810, 0653(2)	Engaging child under 18 for sexual performance	FEL	C	Y
413	16-03-0820, 0654(2)	Produce, promote or direct sexual performance by a child under 18	FEL	E	N
9525	16-03-0910	Kidnapping, Violent, Parolable	UNC		Y
9501	16-03-0910	Kidnapping - Other (formerly 9001), Parolable	UNC		N
948	16-03-0910	Kidnapping, if sentenced for murder (Exempt)(Violent)	FEL		Y
95	16-03-0910	Kidnapping (SR if victim >=18 unless judge order not)	FEL	A	Y
103	16-15-0140	Lewd Act, committing or attempting lewd act upon child under 14 <b>(no longer used)</b> (see 2468)	FEL	D	N
2468	16-15-0140	Lewd Act, committing or attempting lewd act upon child under 16 (after 6/4/96)	FEL	D	N
372	16-15-0305, (H)	Dissemination, procuring or promoting obscenity unlawful	FEL	F	N
1210	16-15-0315	Requiring receipt of obscene material as precondition of sale of other material (Misdemeanor)	UNC		N
373	16-15-0325	Participation in preparation of obscene material prohibited	MISD	C	N
374	16-15-0335	Unlawful to hire person under 18 to violate obscenity statutes	FEL	F	N
2999	16-15-0342	Criminal solicitation of a minor	FEL	E	N
375	16-15-0345	Unlawful to disseminate obscene material to person under 18 yrs of age	FEL	F	N
376	16-15-0355	Disseminating obscene material to a minor 12 years or younger	FEL	E	N
377	16-15-0365	Exposure of private parts in a lewd and lascivious manner (Misdemeanor)	UNC		N
320	16-15-0380	Photographing minor for obscene film or photo. - 3rd off. <b>(no longer used)</b>	UNC		N
318	16-15-0380	Photographing minor for obscene film or photo. - 1st off. <b>(no longer used)</b>	UNC		N
319	16-15-0380	Photographing minor for obscene film or photo. - 2nd off. <b>(no longer used)</b>	UNC		N
378	16-15-0385(A)(B), (D)	Disseminating harmful material or exhibiting harmful performance to minors	FEL	E	N
1211	16-15-0387	Employing person under 18 to appear in public in state of sexually explicit nudity (Felony)	FEL	E	N
379	16-15-0395(D)	Sexual exploitation of a minor - First degree	FEL	C	N
276	16-15-0400, 16-15-0420	Dissem. of sex. oriented material to minor - 2nd off. <b>(no longer used)</b> (see 378)	UNC		N
275	16-15-0400, 16-15-0420	Dissem. of sex. oriented material to minor - 1st off. <b>(no longer used)</b> (see 378)	UNC		N
277	16-15-0400, 16-15-0420	Dissem. of sex. oriented material to minor - 3rd off. <b>(no longer used)</b> (see 378)	UNC		N
380	16-15-0405(D)	Sexual exploitation of a minor - Second degree	FEL	E	N
381	16-15-0410(C)	Sexual exploitation of a minor - Third degree	FEL	E	N
382	16-15-0415	Promoting the prostitution of a minor	FEL	C	N
383	16-15-0425(C)	Participation in the prostitution of a minor	FEL	F	N
209	16-15-0430, 0320	Importing for sale, distrib. of obscene materials - 3rd or sub. offense <b>(no longer used)</b>	UNC		N
208	16-15-0430, 0320	Importing for sale, distrib. of obscene materials - 2nd off. <b>(no longer used)</b>	UNC		N
207	16-15-0430, 0320	Importing for sale, distrib. of obscene materials - 1st off. <b>(no longer used)</b>	UNC		N

The GPS requirements of Jessica's Law only apply to these offenses if they are committed against a Minor.

Note in order for an offender to fall under the GPS provisions of Jessica's Law he/she must be required to register on the sex offender registry. If an offender has been convicted of one of the above offenses but a judge has made a finding on the record that the offender does not have to register, then that offender is not required to be placed on GPS monitoring under Jessica's Law.